

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE ALBERTO GARCIA,

Plaintiff,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

Case No. 1:21-cv-00331-JLT-SAB

ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULING ORDER

(ECF Nos. 24, 32, 42, 45)

A scheduling order for this matter issued on September 28, 2021, and was modified on July 11, 2022 and September 27, 2022. (ECF Nos. 24, 32, 42.) Pursuant to the amended scheduling order, non-expert discovery closes February 22, 2023; expert discovery closes May 17, 2023; the dispositive motion deadline is July 5, 2023; and a pretrial conference is set for December 15, 2023. (ECF No. 42.) Trial has not yet been set in this matter.

On January 20, 2022, the parties filed a stipulation to modify the scheduling order. (ECF No. 45.) The parties seek to continue all deadlines by approximately 60 days, and reset the pretrial conference date. The parties proffer seven depositions were scheduled to be taken in December but that, due to a medical emergency that has caused lead defense counsel, Ms. Hewitt, to take an unanticipated leave of absence for an unknown period of time, only one deposition was taken and the remainder were required to be vacated. Accordingly, the parties seek the

1 continuance so that Ms. Hewitt's colleague, Ms. Nathan, may handle this matter until such time
2 as Ms. Hewitt is able to return, and the parties may reschedule and complete the pending
3 depositions. The parties further proffer a lengthier continuance of the pretrial conference, due to
4 a conflict with Ms. Hewitt's February 2024 trial calendar. While the Court notes this will be the
5 parties' third modification of the schedule, under the circumstances, the Court finds good cause
6 exists to grant the parties' stipulated motion.

7 Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS
8 HEREBY ORDERED that the parties' stipulated motion to modify the schedule (ECF No. 45) is
9 GRANTED. The scheduling order is thus modified as follows:

- 10 1. Non-Expert Discovery Deadline: **April 24, 2023**;
- 11 2. Expert Disclosure Deadline: **May 29, 2023**;
- 12 3. Supplemental Expert Disclosure Deadline: **June 26, 2023**;
- 13 4. Expert Discovery Deadline: **July 17, 2023**;
- 14 5. Dispositive Motion Deadline: **September 4, 2023**; and
- 15 6. Pretrial Conference: **March 11, 2024, at 1:30 p.m., in Courtroom 4, before**
16 **District Judge Jennifer L. Thurston.**

17 IT IS SO ORDERED.

18 Dated: **January 23, 2023**

19 
20 UNITED STATES MAGISTRATE JUDGE